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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,679	12/31/2003	Woo Chul Park	11036-060-999	2193

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EXAMINER

BRADEN, SHAWN M

ART UNIT

PAPER NUMBER

3727

DATE MAILED: 08/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/750,679	Applicant(s) PARK, WOO CHUL	
	Examiner Shawn M. Braden	Art Unit 3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 7-11 is/are pending in the application.
- 4a) Of the above claim(s) 5, 6, 12 and 13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4 and 7-11 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>04/29/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of claims 1-3,4,7-11 in the reply filed on 05/19/2006 is acknowledged. The traversal is on the ground(s) that the claims of each of the above-mentioned pairs of species overlap in scope. This is not found persuasive because the species have a materially different design and a different mode of operation.

The requirement is still deemed proper and is therefore made FINAL.

Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1,2,4 & 7-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Takeichi (USPN 6,702,243).

4. With respect to claim 1, Takeichi shows a rotation bushing (25) installed in such a manner that said rotation bushing (25) encompasses outer surface of a rotary shaft (60) on a surrounding portion of the container insertion member, and compresses or decompresses an outer surface of the rotary shaft (fig. 2), so that rotation on the rotary

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shaft (60) is selectively limited (col. 1 ln. 14-20); a support member (20) installed in an upper side of the rotation bushing (25) and having a curved surface closely contacting an outer surface of a beverage container accommodated in the container insertion member when the support member (20) is rotated with respect to the rotary shaft (60) together with the rotation bushing (25); and button means (col. 5 ln. 49-55) installed in the support member (20), in such a manner that the rotation bushing (25) and the support member (20) are rotated together, and connected with the rotation bushing (25) through a locking part (70), so that the locking part (70) compresses or decompresses the rotation bushing (25).

5. With respect to claim 2, Takeichi shows a rotation bushing (25) includes a cylindrical elastic compression part (50) encompassing the outer surface of the rotary shaft (60) and outwardly elongated open ends separated from each other with a predetermined gap, wherein said rotation bushing (25) compresses or decompresses the outer surface of the rotary shaft (60) by adjusting the gap between the elongated open ends in response to the locking part of the button means (pushing down on arm 20).

6. With respect to claim 4, Takeichi shows a push-lock button (pushing down on arm 20) that is inserted and slidably installed in an engaging hole (25) of the support member (20), supported by a one-touch operation part installed in the engaging hole (25) and implemented by a one-touch method of a press and release operation.

7. With respect to claim 7, Takeichi shows a support member (20) comprises a handle (24a) protruding upwardly.

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8. With respect to claim 8, Takeichi shows a container insertion member (fig. 1) defining at least one recess configured to receive multiple sizes of beverage containers, said insertion member having an upper portion (23) surrounding said at least one recess defining a tray; a rotary shaft (60) extending upward from the tray; a support member (20) rotatably mounted on the rotary shaft (60) and extending along said at least one recess with a concave surface facing said recess such that the support member (20) may be rotated toward said recess to secure beverage containers of different sizes therein; and a locking mechanism (70) cooperating between the rotary shaft (60) and support member (20) for selectively locking the support member (20) against variously sized beverage containers (fig. 1).

9. With respect to claim 9, Takeichi shows the container insertion member defines two recesses and said cup holder includes two rotary shafts (fig. 1), support members and locking mechanisms, one each associated with one said recess (fig. 1).

10. With respect to claim 10, Takeichi shows locking mechanism comprises a compressible bushing (50) surrounding the rotary shaft (60) and a button mechanism (pushing anywhere on element (20) has the claimed structure and recitation of button) cooperating with said bushing (50) to compress the bushing (50) around said shaft (60) for locking thereto.

11. With respect to claim 11, Takeichi shows button mechanism comprises a depressible button mounted in an engaging hole (25) formed in a top of the support member (20).


Conclusion

12. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawn M. Braden whose telephone number is (571)272-8026. The examiner can normally be reached on Mon-Thurs 8-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571 272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


JES F. PASCUA
PRIMARY EXAMINER

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